

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FLUIDIGM CORPORATION, et al.,

Plaintiffs,

v.

IONPATH, INC.,

Defendant.

No. C 19-05639 WHA

**ORDER DENYING MOTION TO
EXPEDITE**

Patent owner Fluidigm Corporation seeks to expedite briefing and argument for its motion for leave to add several new claims to its complaint, argument currently set for October 15 (Dkt. No. 135). To depose certain defense witnesses in time to cite the gathered testimony in its October 29 showdown opening brief, patent owner claims it will have to forgo questioning the witnesses on the new claims, likely not yet part of the case. This harm remains speculative. Patent owner offers no range of material it believes to be relevant to its new claims, yet somehow so far outside the current case scope as to warrant an instruction for witnesses not to answer. Defendant opposes amendment, but for all we know it may let patent owner's questions go unchallenged at deposition. A ripe controversy will be addressed if and when it arises. For now, however, the motion to expedite is **DENIED**.

IT IS SO ORDERED.

Dated: September 10, 2020.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE